

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 904 OF 2024  
WITH  
INTERIM APPLICATION (L) NO. 26922 OF 2024**

Drishti Hospitality Company Pvt. Ltd.  
And Anr. ... Petitioners  
Versus  
Municipal Corporation of  
Greater Mumbai & Ors. ... Respondents

**WITH  
WRIT PETITION NO. 5001 OF 2024**

Mehta Mahal Commercial  
Co-operative Society Ltd. ... Petitioner  
Versus  
Municipal Corporation of  
Greater Mumbai ... Respondent

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Mr. Sharan Jagtiani, Senior Advocate a/w Mr. Kunal Dwarkadas, Ms. Prachi Dhanani & Mr. Asim Tirmizi i/b RJD & Partners, Advocates for the Petitioner in WP No. 904 of 2024 and for Respondent No. 8 in WP 5001 of 2024.

Mr. Karl Tamboly a/w Mr. Hrushi Narvekar, Mr. Sumit Shukla, Mr. Siddharth Shah, Ms. Sayali Diwadkar & Mr. Anuj Savla i/b Trilegal, Advocates for the Petitioners.

Mrs. P. H. Kantharia, GP a/w Ms. Usha Rani, AGP for Respondent Nos. 8 to 10 – State.

Mr. Ashutosh G. a/w Ms. Rutuja Bodake i/b Ms. Komal Punjabi, for Respondent – BMC.

Mr. Vilas Yele, SE, B & F, 'D' Ward, Officer, present.

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**CORAM : RAVINDRA V. GHUGE AND  
ASHWIN D. BHOBE, JJ.**

**DATE : 8<sup>th</sup> DECEMBER, 2025**

**P.C. :**

1. Liberty to the Corporation to enter a proper additional affidavit.

2. The Corporation had initially taken a stand through the first TAC report that the structure at issue was in 'C2B' category, meaning that eviction is not necessary and it is only repairs that are needed to be carried. Subsequently, the Corporation took a stand before the Lok Aayukta that the structure falls in 'C-1' category, which means eviction of the tenants and demolition of the dilapidated structure, to facilitate reconstruction of a new building.

3. In April, 2024, the building was entered in the list of C-1 category buildings on the Corporation website. Today, the Assistant Commissioner tendered an affidavit dated 27<sup>th</sup> November, 2025 stating two things. Firstly, that it was by inadvertence and mis-communication between the departments that the building at issue (the writ building) was included in the list of C-1 category buildings. The same has now been removed from the said list and entered into the C-2 category list.

4. We therefore find that the Corporation is adopting shifting stands for reasons best known to it. We, therefore, direct the Corporation through the Municipal Commissioner, to carefully go through this entire file of the writ property and take a stand in such a manner as the records may justify. So also, we would expect the Corporation to express its view on the statement made before the Lok Aayukta, as well as, the approach of the TAC, which subsequently re-visited the issue and is non-committal. If the Municipal Commissioner deems it appropriate, he may also call for an explanation from the TAC for adopting such a stand and the concerned officers who may have taken shifting stands.

5. Stand over to **14<sup>th</sup> January, 2026** in the ‘Urgent Supplementary Board’.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**